




KANSAS DEPARTMENT OF CORRECTIONS

	INTERNAL MANAGEMENT POLICY AND PROCEDURE	SECTION NUMBER 14-138	PAGE NUMBER 1 of 4
		SUBJECT: PAROLE SERVICES: Violation Report	
Approved By:  Secretary of Corrections		Original Date Issued: 09-01-95	
		Current Amendment Effective: 04-05-06	
		Replaces Amendment Issued: 08-21-99	
Reissued By:  Policy & Procedure Coordinator		The substantive content of this IMPP has been reissued as per the appropriate provisions of IMPP 01-101. The only modifications within the reissue of this document concern technical revisions of a non substantive nature. Date Reissued: 05-26-11	

POLICY

When a parole officer receives information indicating that an arrest or violation of release conditions may have taken place, he/she shall immediately conduct an investigation (APPFS 3-3159). Violations involving violence and/or those that are likely to attract public and/or media attention shall be reported to a parole supervisor who shall notify the Regional Parole Director. A Violation Report shall be written when a warrant is being requested or revocation is being pursued. The Violation Report shall contain specific information regarding the violation(s) being cited and serves as the primary document to be considered at a revocation hearing. The offender shall receive a copy of the Violation Report at or prior to the presentation of the Statement of Charges.

In the event the violation involves an offender under supervision through the Interstate Compact Agreement, the sending state shall be promptly notified. (APPFS 3-3190)

DEFINITIONS

Arrest: The apprehension, seizure, or restraint of a person by a law enforcement officer.

Releasing Authority: The jurisdiction responsible for release of the offender to community supervision. The releasing authority may be a court, the sending state's parole board or the Kansas Parole Board. The releasing authority is generally the agency responsible for final revocation decisions.

Violation Report: An official record that describes a violation(s) to the releasing authority.

PROCEDURES

I. Investigation of Alleged Violations

- A. When a parole officer receives information that an arrest or violation(s) of conditions of release may have taken place, he/she shall immediately conduct an investigation. (APPFS 3-3159) The parole officer shall take the following actions:
 1. Investigate the circumstances surrounding the violation(s);
 2. Discuss the case and/or the written Violation Report with a parole supervisor. (APPFS 3-3157)

- a. IMPP 14-137 and the Behavior Response/Adjustment Guide (BRAG) shall be consulted for guidance in responding to violations.
- b. When revocation or warrant issuance is being recommended, a violation report shall be provided to the parole supervisor (APPFS 3-3159)
3. Proceed with appropriate action as determined by the case conference with the parole supervisor;
4. Submit the Violation Report. (Attachment A, Form #14-138-001, or the designated report format for Interstate Compact cases.)

II. Violation Reports

- A. Any violation of release or compact conditions for which revocation is being pursued shall be recorded on the Violation Report form contained in TOADS. Violations committed by Interstate Compact Offenders shall also be recorded on the Interstate Compact Violation form.
- B. The body of the violation report shall contain the following elements:
 1. VIOLATIONS: The violations section shall include all the circumstances surrounding the violation(s), including:
 - a. Violation of release condition: This section shall set out the conditions that have been violated by number and name.

Example:

"Violation of parole condition #4, Personal Conduct."
 - b. Violation on or about date: This section shall state the date of the alleged violation.
 - c. Violation due to: This section shall include a sentence summarizing in short format the manner in which the violation occurred.

Example:

"By striking Joe Smith in the head with a tire iron."
 - d. Violation particulars: The officer shall write a detailed report of the evidence that indicates a violation has occurred. Information which shall be included is as follows:
 - (1) If the violation is an arrest, the violation report shall state the date, time, and place of the arrest, who made the arrest (police, sheriff's officers, SEOs, etc), and where the offender is confined.
 - (2) If an individual has served or is serving a jail sentence, the violation report shall include:
 - (a) The date of the arrest which led to the conviction;
 - (b) The date of the conviction, county and court of conviction, sentence and sentencing date; and,
 - (c) Any other information regarding the sentence and the date the sentence was or will be completed.
 - (3) If the violation is a condition violation the parole officer shall be specific as to when, where, and how the violation occurred.

- (4) If a violation interview is conducted, the violation report shall reflect:
 - (a) The date, time, and place of the interview;
 - (b) The offender's reply and statement;
 - (c) The offender's denial or admission, if applicable; and,
 - (d) The offender shall not be questioned regarding the circumstances resulting in a new felony arrest without supervisory authorization.

2. AVAILABILITY/RECOMMENDATIONS:

If a revocation or a warrant are being requested, the Parole Officer shall state the request and provide any pertinent information about the offenders whereabouts and status. If the offender is in custody, the officer shall cite the offender's whereabouts and availability for transport.

III. General Procedures

- A. A violation report shall be submitted to the parole supervisor (through the parole supervisor to the sending state Compact Administrator for compact cases) within five (5) working days of becoming aware of the arrest(s) and/or condition violations for those offenders on which revocation is being recommended. (APPFS 3-3159) Absconders shall be processed and warrants issued per IMPP 14-131.
 1. The parole supervisor shall sign and date the violation report.
 - a. If the parole supervisor does not concur with the recommendation of the supervising officer, the report shall be returned to that parole officer with instructions, either written or verbal, as to how to proceed.
 - b. If the parole supervisor concurs with the revocation recommendation, the case shall be staffed with the parole director. If concurrence is received from the parole direction, that parole supervisor shall ensure that the parole violation warrant stamp is placed on the report and that a warrant is subsequently issued.
 - (1) If the parole director does not concur with the revocation recommendation, interventions shall be determined by the parole supervisor and parole officer with input from the parole director.
- B. Violation of a Diversion Agreement for which revocation is being pursued shall require that a Violation Report be submitted in accordance with section III.A. at the time of the Diversion Agreement violation.
 - a. A Violation Report is not required at the time of imposition of a Diversion Agreement.
- C. The offender shall be provided with a copy of the Violation Report prior to the presentation of the Statement of Charges.
 1. The offender shall also be provided with any supplemental violation reports.
 2. If the parole officer determines that names of victims or witnesses contained in the Violation Report(s) may likely result in harm to the victims/witnesses if their identity were known, the names and any other text which might assist in their identification shall be deleted from the offender's copy with a black marker and a copy made for the offender.

- D. If the offender is in violation status and a subsequent violation(s) is discovered which originated from a separate incident(s), the additional violation(s) shall be documented on another violation report.
- E. Approved violation reports shall be forwarded through the parole supervisor to the appropriate KDOC staff member located in the office of the Kansas Parole Board within the revocation packet.(APPFS 3-3190)
- F. Information pertaining to other violations which have occurred during the parole period that are not being cited as a revocation reason, as well as the recommendation of the parole officer, shall be summarized in the Closing Summary (see IMPP 14-143).
- G. Violations involving violence and/or those that are likely to attract public and/or news attention shall be reported to the parole supervisor who shall notify the regional parole director. The parole supervisor shall complete an incident report as per IMPP 01-113.

NOTE: The policy and procedures set forth herein are intended to establish directives and guidelines for staff and offenders and those entities that are contractually bound to adhere to them. They are not intended to establish State created liberty interests for employees or offenders, or an independent duty owed by the Department of Corrections to employees, offenders, or third parties. Similarly, those references to the standards of various accrediting entities as may be contained within this document are included solely to manifest the commonality of purpose and direction as shared by the content of the document and the content of the referenced standards. Any such references within this document neither imply accredited status by a Departmental facility or organizational unit, nor indicate compliance with the standards so cited. The policy and procedures contained within this document are intended to be compliant with all applicable statutes and/or regulatory requirements of the Federal Government and the state of Kansas. This policy and procedure is not intended to establish or create new constitutional rights or to enlarge or expand upon existing constitutional rights or duties.

REPORTS REQUIRED

None.

REFERENCES

IMPP 01-113, 14-137, 14-143
APPFS 3-3157, 3-3158, 3-3159, 3-3190, 3-3203

ATTACHMENTS

Attachment A - Violation Report, 1 page

KANSAS DEPARTMENT OF CORRECTIONS
Division of Community and Field Services

VIOLATION REPORT

TO:
DATE:
OFFENDER NAME:
KDOC NUMBER:

I. VIOLATIONS:

Violation of Release Condition:

Violation on or about Date:

Violation Due To:

II. AVAILABILITY/RECOMMENDATIONS:

Date Paroled:

FBI#:

Date Entered:

APPROVED: _____ SUBMITTED BY: _____
Date Parole Officer

******COMPACT USE ONLY******

DATE _____ FORWARDED TO _____ BY _____
Director, Interstate Compact